



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Social and Health Services, Aging and Disability Services

- ☒ **Preproposal Statement of Inquiry was filed as WSR 09-14-070 ; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**
☐ **Supplemental Notice to WSR**
☐ **Continuance of WSR**

Title of rule and other identifying information: (Describe Subject): See attachment.

Hearing location(s):

Blake Office Park East – Rose Room
 4500 – 10th Ave. SE
 Lacey, Washington 98503
 (One block north of the intersection of Pacific Ave. SE
 and Alhadeff Lane. A map or directions are available
 at <http://www.dshs.wa.gov/msa/rpau/docket.html> or by
 calling 360-664-6094)

Date: **December 8, 2009** Time: **10:00 a.m.**

Submit written comments to:

Name: DSHS Rules Coordinator
 Address: PO Box 45850, Olympia WA, 98504-5850
 Delivery: 4500 – 10th Ave. SE, Lacey, Washington 98503
 E-mail: DSHSRPAURulesCoordinator@dshs.wa.gov
 Fax: (360) 664-6185

by
5 p.m. on December 8, 2009

Assistance for persons with disabilities: Contact Jennisha
 Johnson, DSHS Rules Consultant by November 24, 2009

TTY (360) 664-6178 or (360) 664-6094 or
 by e-mail at johnsjl4@dshs.wa.gov

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of amending these rules is to consider making editorial and clarifying changes, and to make it consistent with current laws and standards. Also to remove an incorrect statutory authority reference in the footnote. The anticipated effects are to make the rule clearer, easier to read, understand and apply.

Highlights of proposed changes:

- Editorial and housekeeping changes in the following sections: definitions, utilization, call systems, new construction, notice and appeal rights, advance directives.
- To be consistent with Chapter 521, Laws of 2009, E2SSB 5688 clarified that domestic partners could share a room.
- Clarified tuberculosis requirements to be consistent with current standards.
- Clarified when notice is considered complete and proof of notice.
- Consolidated disqualifying crime lists to make Home and Community Services and RCS lists consistent.
- Clarified dialysis services provided in the nursing home and those provided outside the home.
- Added liability insurance requirement to rule.
- Clarified that nursing home may not need to relinquish license and cease operations if residents are relocated due to natural disasters.
- Clarified that new construction must comply with rules in effect at the time of plan approval except in cases where resident health and safety may be jeopardized.

Reasons supporting proposal:

See above

Statutory authority for adoption:
 Chapters 18.51 and 74.42 RCW

Statute being implemented:
 Chapters 18.51 and 74.42 RCW

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

DATE

September 30, 2009

NAME (type or print)

Stephanie Vaughn

SIGNATURE

Stephanie E Vaughn

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: October 02, 2009

TIME: 2:33 PM

WSR 09-20-062

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
None

Name of proponent: (person or organization) Department of Social and Health Services

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting.....Lisa N.H. Yanagida	P.O. Box. 45600, Olympia, WA 98513	(360) 725-2589
Implementation.... Lori Melchiori	P.O. Box 45600, Olympia, WA 98513	(360) 725-2404
Enforcement..... Lori Melchiori	P.O. Box 45600, Olympia, WA 98513	(360) 725-2404

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Lisa N.H. Yanagida, Program Manager

Address: P.O. Box 45600 Olympia, WA 98504-5600

phone (360) 725-2589

fax (360) 438-7903

e-mail yanagln2@dshs.wa.gov

☐ No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Lisa N.H. Yanagida, Program Manager

Address: P.O. Box 45600 Olympia, WA 98504-5600

phone (360) 725-2589

fax (360) 438-7903

e-mail yanagln2@dshs.wa.gov

☐ No: Please explain:

Attachment to CR 102

Title of rule and other identifying information: (Describe Subject):

The department is amending: WAC 388-97-0001 Definitions; WAC 388-97-0100 Utilization review; 388-97-0280 Advance directives; WAC 388-97-0580 Roommates/room; WAC 388-97-0720 Notification of preliminary finding; WAC 388-97-1400 Tuberculosis-testing method-Required; WAC 388-97-1440 Tuberculosis-No skin testing; WAC 388-97-1460 Tuberculosis-One step testing; WAC 388-97-1480 Tuberculosis-Two step skin testing; WAC 388-97-1500 Tuberculosis-Positive test result; WAC 388-97-1520 Tuberculosis-Negative test result; WAC 388-97-1540 Tuberculosis-Declining a skin test; WAC 388-97-1560 Tuberculosis-Reporting required; WAC 388-97-1580 Tuberculosis-Test records; WAC 388-97-1600 Care of residents with active tuberculosis; WAC 388-97-1800 Criminal history disclosure and background inquiries; WAC 388-97-1820 Disqualification from nursing home employment; WAC 388-97-1900 Dialysis services provided in nursing home; WAC 388-97-2060 New construction compliance; WAC 388-97-2280 Call systems on resident care units; WAC 388-97-4200 Department review of initial nursing home license applications; WAC 388-97-4220 Reasons for denial, suspension, modification, revocation of, or refusal to renew a nursing home license; WAC 388-97-4320 Relocation of residents; WAC 388-97-4340 License relinquishment; WAC 388-97-4440 Notice and appeal rights; and other related rules as appropriate.

The department is proposing the following new sections: WAC 388-97-0725 Notice to others of preliminary findings; WAC 388-97-1910 Dialysis services provided outside of nursing home; 388-97-4165 Application-Liability insurance required; WAC 388-97-4166 Liability insurance required—ongoing; WAC 388-97-4167 Liability insurance required-Commercial General Liability Insurance or Businesses Liability Insurance coverage; WAC 388-97-4168 Liability insurance required-Professional Liability Insurance coverage; WAC 388-97-4425 Notice-Service complete; WAC 388-97-4430 Notice-Proof of service.

The department is proposing to repeal the following sections: WAC 388-97-1420 Tuberculosis-Mantoux skin testing; WAC 388-97-3820 Stairways, ramps, and corridors in new construction; and removing incorrect statutory authority reference 42 C.F.R. 489.52. in the footnote in all sections of the chapter 388-97 WAC.